

Tree Preservation

Purpose/Description

The purpose of the tree preservation process is to preserve and protect trees on development sites before, during and after construction, and to replace trees according to established mitigation procedures.



Tree preservation evaluation is invoked as a condition of a building or grading permit on any aspect of construction within the dripline of trees, on any construction that involves the removal of trees and on any construction site that exceeds 40,000 square feet.

Tree preservation plans are also reviewed as part of the special exception, planned unit development, site design and subdivision processes.

Authority

The state of Maryland Forest Conservation Act of 1991 regulates tree preservation and removal on any development site, wooded or treeless, that exceed 40,000 square feet in area, except sites in the critical area, which are subject to the critical area criteria.

The City of Annapolis Code and Charter, Chapter 17.09, "Trees in Development Areas," applies to any and all construction that impacts trees. Chapter 17.09 also includes standards to be applied with the critical area. Where both the Forest Conservation Act and Chapter 17.09 apply, the more restrictive requirements are applied.

Tree preservation plans are also subject to site design review under Chapter 21.98 of the City Code.

Submittal Requirements

Submittal requirements vary according to whether the development site is regulated under the state of Maryland Forest Conservation Act or the City Code or both. The submittals required for the state and city regulations, which should be submitted concurrently, include a forest stand delineation plan and a forest stand conservation plan. The specific elements of these submittals are as follows:

The Forest Conservation Act applies to sites greater than 40,000 square feet, except those sites containing critical areas.

Forest stand delineation plan includes:

1. Topographic map.
2. Soils map.
3. Forest stand map.
4. Location of 100 year floodplain.
5. Any information required by the Forest Conservation Technical Manual which is available through the Maryland Department of Natural Resources.

Forest conservation plan includes:

1. Measures to protect trees on site.
2. Afforestation or reforestation plan.
3. Maintenance agreements.
4. Protective agreements.

The City Code applies to sites with less than 40,000 square feet and critical areas:

1. Landscape plan in conjunction with the building or grading permit application, which includes:
2. Limits of disturbance including location of all trees greater than five inches in diameter at breast height within the critical area only, location of all trees regardless of size.
3. Limits of project development.
4. Location of all trees to be preserved.
5. Tree preservation details.
6. Location of new trees required by mitigation.

Under certain circumstances, additional submittals may be required. When the applicant meets with Department of Public Works staff, the need for additional documentation will be determined.

Steps of the Application Process

1. Applicant meets with the Department of Neighborhood and Environmental Programs staff to discuss permit requirements and tree preservation on the proposed development site.
2. Applicant submits all information required under the Forest Conservation Act or the City Code (or both) to the Department of Neighborhood and Environmental Programs and the Department of Planning and Zoning for preliminary review.
3. The Department of Neighborhood and Environmental Programs staff evaluates preliminary submittals and recommends changes to plans as necessary.
4. Applicant submits final plans incorporating recommended changes in the preliminary stage of the process.

Processing Time

Generally, from the date the Department of Neighborhood and Environmental Programs receives an approvable submission, processing time is one to four weeks, depending on the complexity of the application.

Fees

There are no additional fees assessed by the city over and above those required for a building or grading permit application.

Enforcement and Appeals

Forest Conservation Act requirements have been codified in the City Code, and enforcement is handled by the Department of Neighborhood and Environmental Programs. Enforcement procedures for the state law and the city law are the same. Violations may be cause to stop

work until a resolution is reached. The penalty for each violation is \$100.00. The unapproved destruction of a single tree constitutes a violation. Trees destroyed by negligence, either during construction or during the post construction period, are to be replaced by the developer of the site, or the developer is to be assessed a fee in lieu.

Appeals to determinations made by the Department of Neighborhood and Environmental Programs are made to the Building Board of Appeals, Maria Brown, 410-263-7946.

Other Considerations or Requirements

Both the city and state laws require considerable attention to detail in developing the application for processing. Failure to provide the appropriate information early in the process may significantly affect the time required for processing tree preservation plans.

Copies of the Forest Conservation Act and Regulations and the Forest Conservation Technical Manual are on file, but not available for distribution from the Department of Neighborhood and Environmental Programs and the Department of Planning and Zoning. Copies of the Act and Manual are available at a cost from the Maryland Department of Natural Resources.

It should be noted that mitigation requirements are different under the Forest Conservation Act, the critical areas regulations and the "Trees in Development Areas" section of the City Code.

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